IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17215 of 2004

Between:

M/s.Venkata Durga Engineering Works, Convent Street, Vijayawada
rep. by its Managing Partner M.V.D.R.Prasad

..... PETITIONER

AND

1 The Addl.Commissioner (CT) LEGAL (FAC), A.P. at Nampally, hyderabad.
2 The Commercial Tax Officer Convent Street, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction declaring the order passed by the 1st respondent in CCT's Ref.No.LV(2)/1444/2004 dt.11.8.2004 as illegal, arbitrary and set aside the same and consequently restrain the 2nd respondent from collecting the disputed tax for the year 1999-00 pending appeal before the Tribunal.

Counsel for the Petitioner: Mr. T. VENKAT REDDY THIPPARTHI

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

28th September, 2004.

_____

(S.ANANDA REDDY, J)

ajr

To

1 The Addl.Commissioner (CT) LEGAL (FAC), A.P. at Nampally, hyderabad.
2 The Commercial Tax Officer Convent Street, Vijayawada.

3 Two C.Cs. to the G.P. for Commercial Taxes, High Court Buildings,

Hyderabad (O.U.T).

4 Two C.D. copies.